

KRISS & FEUERSTEIN LLP
360 Lexington Avenue, Suite 1200
New York, New York 10017
(212) 661-2900
Jerold C. Feuerstein (JF9829)
Attorneys for 243rd Street Lender LLC

Settlement Date: April 30, 2013
Settlement Time: 9:30 a.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 11

243RD STREET BRONX R&R LLC,

Case No. 11-13321-alg

Debtor.
-----X

STATEMENT IN SUPPORT OF COUNTER-ORDER

TO THE HONORABLE ALLAN L. GROPPER,
UNITED STATES BANKRUPTCY JUDGE:

243rd Street Lender LLC (the “Lender”), hereby objects to the proposed *Order Confirming Debtor’s Plan of Reorganization*, submitted by the Debtor on April 22, 2013 [docket item 128] (the “Debtor’s Proposed Order”), and in response thereto, respectfully submits the annexed proposed *Counter-Order Confirming Debtor’s Second Amended Plan of Reorganization* (the “Counter-Order”), which more fully and more accurately reflects the items and amounts needed to be paid by the Debtor to cure and reinstate the loan as required under the *Debtor’s Second Amended Plan of Reorganization* (the “Plan”) dated June 4, 2012 [docket no. 53] and the March 21, 2013 Order of this Court (the “Confirmation Decision”).

It is respectfully submitted that the Counter-Order is a more appropriate form of order, as it more accurately reflects the findings from the confirmation hearing as included in the Confirmation Decision. In addition, the Debtor’s Proposed Order grossly underestimates and/or omits payment of certain obligations required to be paid in order for the Debtor to cure all

defaults, including but not limited to, payment of outstanding and unpaid real property tax claims due in connection with the Debtor's real property in the estimated amount of \$190,000.00.

Accordingly, there appears to be a difference between the Debtor and Lender's form of orders with respect to the necessary and appropriate amounts needed for the Debtor to become reinstated under the loan.

In the event that the Court finds that the Counter-Order is not acceptable, the Lender respectfully requests a hearing to resolve this matter.

Dated: New York, New York
April 25, 2013

KRISS & FEUERSTEIN LLP

s/ Jerold C. Feuerstein
Jerold C. Feuerstein (JF9829)
360 Lexington Avenue
Suite 1200
New York, New York 10017
(212) 661-2900

Attorneys for 243rd Street Lender LLC

TO: Mark Frankel, Esq.
Backenroth Frankel & Krinsky, LLP
Attorneys for 243rd Street Bronx R&R LLC
489 Fifth Avenue
New York, New York 10017